

**Amendments to the Drawings:**

The attached replacement sheets 1/7 and 2/7 replace sheets 1/7 and 2/7 of the original drawings in the application. Reference numeral “1” and its lead line have been added to Fig. 1 of the replacement sheet 1/7. Reference numeral “30” and its lead line have been added to Fig. 3 of the replacement sheet 2/7. No new matter has been added.

Attachment: Replacement Sheets 1/7 and 2/7

## **REMARKS/ARGUMENTS**

The Office Action dated November 15, 2006 has been reviewed and carefully considered. Claims 1-10 and 36-38 are pending in this application, with claim 1 being the only independent claim. Claims 1, 2 and 6 have been amended. Claims 11-35 have been canceled, without prejudice. Claims 36-38 have been added. Reconsideration of the application, as herein amended and in view of the following remarks, is respectfully requested.

### **Amendments Addressing Informalities**

The drawings and the specification have been amended to address the informalities identified in the Office Action. In addition, paragraphs [0001] and [0039] of the specification have been amended to correct two typographical errors therein.

In view of these self-explanatory amendments, withdrawal of the objection to the drawings and withdrawal of the objection to the specification are respectfully requested.

### **Rejection of Claim 1 Under 35 U.S.C. §103(a)**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0106443 (*Liberman*) in view of U.S. Patent No. 3,411,433 (*Christopher*).

Claim 1 recites the following:

“a) placing a meat product on a presentation board, wherein said presentation board comprises two opposite surfaces and a hole at the center of said presentation board, said hole extending from one of the surfaces to the other of the surfaces to facilitate heat transfer between said meat product and said cooled brine, said hole being substantially covered by a heat conducting foil placed on one of the surfaces of said presentation board so that the meat product is supported by the heat conducting foil in a region of the hole” (emphasis added).

Applicant respectfully submits that claim 1 is patentable over *Liberman* in view of *Christopher* because there is no motivation or suggestion to modify *Liberman* with *Christopher* in the way proposed in the Office Action.

On page 8 of the Office Action, the Examiner acknowledges that

“Lieberman is silent in teaching wherein said hole is substantially covered by a heat conducting foil placed on a surface of said presentation board.”

Thus, the Examiner acknowledges that *Lieberman* does not teach or suggest the recited limitation “said hole being substantially covered by a heat conducting foil placed on one of the surfaces of said presentation board so that the meat product is supported by the heat conducting foil in a region of the hole” of claim 1 of the present application.

To bridge this “gap” between claim 1 and *Lieberman*, the Examiner refers to the base aluminum layer 16 of *Christopher*, and contends that

“it would have been obvious to one having ordinary skill in the art to apply the teachings of Christopher to the holed presentation board of Lieberman for the purpose of providing conducting layer of aluminum foil that would assist in removing the heat from within the food product. Such a modification would provide a more efficient means for removing the heat and thus freezing said food product.”

It is respectfully submitted that the Examiner’s contention is incorrect because, as explained in detail below, there is no motivation or suggestion to modify *Lieberman* with *Christopher* in the way proposed in the Office Action.

Claim 1 defines a method for freezing a meat product in a cooled brine. In the claimed method, the meat product is placed on a presentation board having a hole which is substantially covered by a heat conducting foil. As explained in the present specification, the hole is used to facilitate the heat transfer between the meat product placed on the presentation board and the cooled brine. The foil is added so that the meat product is also supported in the hole area. See paragraphs [0013] and [0032] of the present specification. The presentation board allows the meat product to be presented, upon thawing, to guests, for example, for consumption. Thus, the presentation board provides support for the meat product to facilitate freezing and, upon thawing, allows the meat product to be displayed on a table for serving purposes.

In other words, the foil primarily functions as a support for the meat product. Of course, preferably the foil is heat conductive so that it does not become a heat barrier between the meat product and the cooled brine. But the primary function of the foil is to support the meat product in the hole area. Moreover, it is noted that adding the foil between the meat product and the cooled brine will not facilitate or assist the heat transfer between the meat product and the cooled brine because the added foil constitutes an extra medium through which the heat has to pass through.

*Christopher* relates to a baking container having three laminated layers. The top layer 14 is of perforated foil, the bottom layer 16 is solid foil (no perforation), and the center layer is made of a meshed material designed to entrap air and to absorb grease and moisture from the food which is generated during the baking process from the baked food such as a pie 10a placed in the baking container. *Christopher* is completely silent on using the bottom layer 16 to support the pie 10a in the perforation areas. See Figs. 4 and 5, col. 1, lines 10-16, and col. 3, lines 14-32 of *Christopher*.

The Examiner contends that it would have been obvious for a person with ordinary skill in the art to add the bottom layer 16 of *Christopher* to the holed presentation board of *Lieberman* “for the purpose of providing conducting layer of aluminum foil that would assist in removing the heat from within the food product” (emphasis added). However, as explained above, adding a heat conducting foil to the holed presentation board will not facilitate or assist the heat transfer between the meat product and the cooled brine. On the contrary, adding such a foil on the presentation board will hinder the heat transfer between the meat product and the cooled brine. This is because the added foil is not used to replace an existing medium with inferior heat conductivity. Rather, the added foil constitutes an extra medium between the meat product and

the cooled brine, through which the heat has to pass through. That is, without using the foil, the sealed bag will be the only medium between the meat product and the cooled brine in the hole area during the freezing process. After adding the foil, the sealed bag and the foil will be the mediums between the meat product and the cooled brine in the hole area during the freezing process. Therefore, contrary to the Examiner's contention, a person with ordinary skill in the art would not be motivated to modify *Liberman* with *Christopher* by adding a heat conducting foil to the presentation board of *Liberman* for the purpose of providing a conducting layer of aluminum foil that would assist in removing the heat from within the food product.

The fact that something can be done is an insufficient basis to obviate an invention. Absent a motivation, the references can be modified and/or combined in the way proposed in the Office Action only with impermissible hindsight based on the teaching of the presently claimed invention.

In view of the foregoing, withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Liberman* in view of *Christopher* is respectfully requested.

Claim 1 also stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Liberman* in view of U.S. Patent No. 2,507,862 (*Mead*) and U.S. Patent No. 2,807,548 (*Morrison*).

In this rejection, the Examiner essentially applies the same rationale that is used in rejecting claim 1 under 35 U.S.C. 103(a) as being unpatentable over *Liberman* in view of *Christopher*.

Therefore, for the reasons discussed above, which explain why there is no motivation or suggestion to modify the holed presentation board of *Liberman* with a heat conducting foil,

withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Liberman* in view of *Mead* and *Morrison* is respectfully requested.

#### **Dependent Claims 2-10 and 36-38**

Dependent claims 2-10 and 36-38, each being directly or indirectly dependent on independent claim 1, are deemed patentable for at least the same reasons that independent claim 1 is patentable, as well as for the additional limitations recited therein.

#### **Other Rejections**

Claims 11-35 have been rejected on various grounds. In view of the cancellation of claims 11-35, such rejections are deemed moot.

#### **Conclusion**

Based on all of the above, it is respectfully submitted that the present application is now in full and proper condition for allowance. Prompt and favorable action to this effect, and early passage of this application to issue, are respectfully solicited.

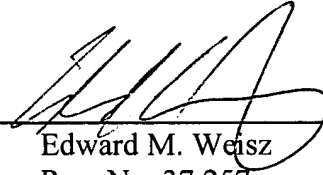
Should the Examiner have any comments, questions, suggestions or objections, he is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By

A handwritten signature in black ink, appearing to read 'E. Weisz', is written over a horizontal line.

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